

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2291 - SB 2368

June 8, 2020

**SUMMARY OF ORIGINAL BILL:** Changes, from 14 to 21, the number of calendar days in which a hearing requested by a police officer who has been dismissed, demoted, suspended, or transferred for punitive reasons must be set following the request.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

**SUMMARY OF AMENDMENT (018264):** Adds language to the legislation to require a law enforcement officer to intervene to stop the use of excessive force on a person by another law enforcement officer, unless that person poses an immediate threat to life and safety. Defines excessive force as actions prohibited by statute or policy, not justified by the situation, intended to cause unjust pain or injury, or used to humiliate or dehumanize.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Unchanged from the original fiscal note.**

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 38-8-305(a), a police officer who is dismissed, demoted, suspended or transferred for punitive reasons, may within a reasonable amount of time following such action, as set by the officer's agency, request a hearing. If such request is made in a timely manner, a hearing shall be held within a reasonable amount of time set by the agency. The hearing shall be set no later than 14 calendar days following the date of request, unless a later date is acceptable to the police officer.
- Increasing to timeframe by which a hearing is to be set by one week will not result in a significant impact to state or local government expenditures.
- Requiring a law enforcement officer to intervene to stop the use of excessive force on a person by another law enforcement officer, unless that person poses an immediate threat to life and safety will not result in a significant impact to state or local expenditures.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The script is cursive and fluid, with the first letters of each name being capitalized and prominent.

Krista Lee Carsner, Executive Director

/jmg